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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,338	03/10/2004	Jon P. Yarbrough	60,583-004	4307

27305 7590 09/10/2007

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EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
09/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/797,338	YARBROUGH ET AL.	
	Examiner	Art Unit	
	Sunit Pandya	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32,34-46 and 49-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32,34-46 and 49-55* is/are rejected.

7)☒ Claim(s) *1,11,17,22,32,46,49 and 50* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☒ Other: *Class II gaming guide*.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/27/07 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 11, 17, 22, 32, 46, 49 and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. At the time of filing the applicant did not disclose of any features related to selecting an award representation, as disclosed in the said claims.

4. Claims 1, 11, 17, 22, 32, 46, 49 and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not describe of selecting an award representation of the end game result, therefore it is unclear as to what is selected or who is selecting.

5. With regards to the said claims above, which are rejected under 35 U.S.C. 112, first paragraph, all of the said claims will be given the examiner's broadest reasonable claim interpretation.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-12, 15-18, 21-29, 32, 34-46, 49-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff (US Patent 6,398,645).

Claims 1-3, 23-24, 52-53: Yoseloff teaches of generating an end game result of bingo-type game (col. 5-6:65-5, 8-9: 62-25). Yoseloff also teaches of displaying the end game indicative of whether a player has won or lost the game (figure 2, col. 9: 1-25),

and also displays an award representation of the game result on a mechanical device (col. 10: 3-14, wherein the video screen is located on the a mechanical device, since it contains mechanical parts, thus the result are displayed on a mechanical device). However Yoseloff doesn't teach of displaying the end game result represented by a mechanical technological aid instead Yoseloff teaches of video reels. However video reels are equivalent structure that is known in the art. Therefore, because these two display devices are art recognized equivalents at the time the invention was made, one of the ordinary skill in art would have found it obvious to substitute video reels instead to mechanical reel/die to reduce user manipulations and tampering with the device and thus making the game fair for all of the participants (col. 2: 5-10).

Claims 4, 51: Yoseloff teaches of generating the result of the bingo-type game comprising of creating multiple different bingo cards for multiple players competing against each other (col. 5-6: 65-7, 12: 24-26).

Claims 5-6, 25: Yoseloff teaches generating at least one called number shared in common by multiple players prior to the step of generating the end game result of the bingo-type game, and wherein the numbers are reported to the gaming stations (col. 6: 9-18, 12: 11-29).

Claims 7-9, 26-28: Yoseloff teaches of generating at least one called number comprises generating a plurality of called numbers (col. 6: 9-18, wherein it is well known in the art to generate the numbers all at the same time or in succession).

Claims 10, 12, 15-16, 18, 29: Yoseloff teaches of the step of generating the end game result comprises of determining whether the called numbers establish a

game-ending pattern or an interim pattern on any of the bingo cards (figure 2 discloses different game ending patterns, col. 9: 15-28).

Claims 11, 17: Yoseloff teaches step of displaying the representation of the result on the gaming station, in response to determining whether the game-ending pattern has been establish on the bingo card (figures 1 & 2).

Claim 21: Yoseloff teaches of determining whether a plurality of players are paying the bingo game (col. 6: 30-40)

Claims 22, 49-50: Yoseloff teaches of generating the result of the bingo-type game comprising of creating a bingo card (col. 5-6:65-5, 8-9: 62-25). Yoseloff teaches of generating at least one called number comprises generating a plurality of called numbers (col. 6: 9-18). Yoseloff teaches of determining whether the called numbers establish a game-ending pattern or an interim pattern on any of the bingo cards (figure 2 discloses different game ending patterns, col. 9: 15-28). Yoseloff teaches step of displaying the representation of the result on the gaming station, in response to determining whether the game-ending pattern has been establish on the bingo card (figures 1 & 2). Yoseloff also teaches of displaying the end game indicative of whether a player has won or lost the game (figure 2, col. 9: 1-25), and also displays an award representation of the game result on a mechanical device (col. 10: 3-14, wherein the video screen is located on the a mechanical device, since it contains mechanical parts, thus the result are displayed on a mechanical device). However Yoseloff doesn't teach of displaying the end game result represented by a mechanical technological aid instead Yoseloff teaches of video reels. However video reels are equivalent structure

that is known in the art. Therefore, because these two display devices are art recognized equivalents at the time the invention was made, one of the ordinary skill in art would have found it obvious to substitute video reels instead to mechanical reel to reduce user manipulations and tampering with the device and thus making the game fair for all of the participants (col. 2: 5-10).

Claims 32, 34-46: Yoseloff substantially teaches the invention as claimed (see rejection above), however Yoseloff does not explicitly teach a server to generate all the called numbers and said server distributing the numbers to all of the game machines connected through the a network. Yoseloff teaches of linking game machines together (col. 12: 25-27) which requires network and a server to distribute all of the game details through out all of the linked machines, thus Yoseloff implicitly teaches of server to generate all the called numbers and said server distributing the numbers to all of the game machines.

Claim 54: Yoseloff teaches of creating multiple different bingo cards for multiple players competing against each other, wherein the players are located at different gaming terminals and therefore the cards are created at different terminals (col. 5-6: 65-7, 12: 24-26).

Claim 55: Yoseloff substantially teaches of the invention as claimed however fails to teach of displaying the end game result represented by a mechanical technological aid, instead Yoseloff teaches of video reels. However video reels are equivalent structure that is known in the art. Therefore, because these two display devices are art recognized equivalents at the time the invention was made, one of the

ordinary skill in art would have found it obvious to substitute video reels instead to mechanical reel/die to reduce user manipulations and tampering with the device and thus making the game fair for all of the participants (col. 2: 5-10).

8. Claims 13, 14, 19-20, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff as applied to claims above, and further in view of Lind (US Patent Publication 2004/0176169).

Claims 13, 14, 19-20, 30-31: Yoseloff teaches of awarding prizes in response to determining the game-ending patterns or interim pattern established on the bingo cards. Yoseloff awards points or credits for the most bingo combinations (figure 2 teaches of different combination). However Yoseloff fails to teach of daubing for the patterns in the game.

Lind teaches of occurrence of daubing that may be performed manually or automatically by the players at the playing station, using a suitable interface (par 8). It would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to have modified Yoseloff's gaming machine to include the process of manual daubing disclosed by Lind, thus by implementing daubing in the gaming machine, the players are actively participating in the bingo-type game and active participation creates an exciting playing environment for all participating players.

Response to Arguments

9. Applicant's arguments with respect to claims 1-32, 34-46, 49-55 have been considered but are moot in view of the new ground(s) of rejection.

10. Regarding the filed claims, the examiner would like to bring to the applicant's attention to the following art made of record and not relied upon which is considered pertinent to applicant's disclosure. The art related is to Class II gaming, which is provided with the office action to the applicant.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

Robert Pezzuto
Supervisory Patent Examiner
3714

GAMING GURUS

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Tribes Given Chance To Open Class II Casinos

By I. Nelson Rose
18 September 2000

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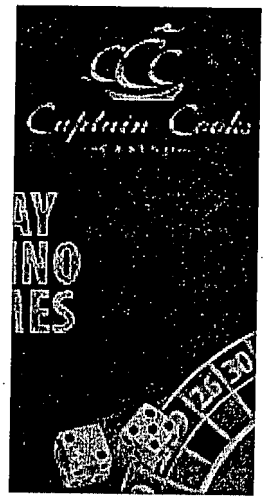
NOTE: I have worked on behalf of tribes as a consultant and expert witness in the case I am about to discuss and related cases. I bring this to the reader's attention in the spirt of full disclosure. I have no financial stake in the outcome of these legal battles. However, because I have been working on the Indian side of these fights for so long, it is possible that I am dismissing the U.S. government's position too lightly.



A federal court has given tribes the opportunity to set up gaming devices that play a lot like slot machines, even in states which refuse to negotiate tribal-state compacts.

The Ninth Circuit Court of Appeals, which covers most of the western United States, has ruled that linked, fast action, video bingo games are legally "bingo" under the Indian Gaming Regulatory Act ("IGRA"). Bingo is a Class II game under IGRA, meaning tribes in any state are free to set up as many of these machines as they want, so long as the state allows charities to run bingo games.

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I. 'S BOOKS

Blackjack and

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Class II games do not require tribal-state compacts. In fact, unless the tribes voluntarily agree to let the state in, state officials will have no role in regulating these gaming devices.

At the time this column is being written, the decision by a three-judge panel is not yet final. The United States Attorneys, representing the losing party, may appeal the decision to the entire Ninth Circuit or the U.S. Supreme Court. However, there is very little chance such an appeal will be heard.

Other cases involving similar issues are being heard in courts in other parts of the country. It is possible that another circuit will decide that these gaming devices are not "bingo." The U.S. Supreme Court will then be called upon to decide the issue.

I doubt that we will ever see the Chief Justice of the United States, or any other member of the High Court, write a formal opinion on the definition of "bingo."

Some courts are notoriously anti-Indian. So, it is possible that tribes will lose the right to operate linked bingo machines in one part of the country, while they can run them everywhere else.

The particular video game involved is MegaMania, although similar gaming devices are manufactured by other suppliers.

MegaMania lets players purchase up to four bingo cards at 25 cents per card. Players play against each other to get a five-across bingo, with a potential jackpot of $5,000. At the same time, they are playing "CornerMania." Each player who covers two, three or four corners wins a smaller cash prize. Numbers are drawn in sets of three. After each set, players must pay an additional quarter for each card they want to continue playing.

Multimedia Games, the developer of MegaMania, spent years refining the game. Some of the company's efforts were put into making sure that the game met the legal definition of bingo.

years of syndicate Attorney I. Nelson commentary of Atto Loeb.

OTHER BOOKS BY I

Although players do not have to be in the same room, or even the same state, the game cannot begin until at least 12 players have bought a minimum of 48 cards.

Multimedia Games also modified the game a number of times to comply with the sometimes unreasonable demands of the federal government.

For example, even though IGRA explicitly allows random number generators, the U.S. Attorneys required that numbers be drawn from a bingo blower. So, some unfortunate souls are forced to sit in a closed and guarded room all day, punching into a computer the numbers they have read off of numbered ping-pong balls.

IGRA clearly states that a bingo game is "won by the first person covering a previously designated arrangement of numbers or designations" on his or her bingo card. But the government wanted the winner to somehow shout "Bingo!" So the devices have a "daub" button, that must be pressed by players to cover numbers on their cards as they are drawn and to declare they have a bingo. The buttons work. Players have lost with "sleepers" when they failed to press the daub button before the next three numbers were drawn and someone else claimed the jackpot.

The decision does not necessarily mean that linked video bingo machines will be showing up soon in charity bingo halls across the nation. Some states have statutes or regulations that define bingo in ways that would prohibit these games. The biggest barrier will be laws that limit charities to a limited number of "sessions" per night and jackpots of no more than $250.

But tribes have a golden opportunity. In Idaho, for example, the Coeur d'Alene Tribe and the state have agreed to let a court decide whether the state has to sign a compact to allow Class III gaming devices. The Tribe will probably lose, because the state amended its constitution to specifically prevent its tribes from operating casino games. But MegaMania is not a Class III slot machine. It is bingo, by federal law, and

there is nothing the state can do about it.

The Court's ruling will be useful even in states like California, where tribes have the right to operate slot machines. Gov. Davis put a cap on the number of slot machines that any one tribe could have, and another, lower, maximum on the total number of tribal slot machines allowed in the state.

But MegaMania machines are not covered by the compact.

How long will this opportunity last? The Ninth based its decision entirely upon the wording of IGRA. This is merely a statute. So the definition of "bingo" can be changed at any time by a vote of Congress.

It is now up to the tribes to play the political game of lobbying to preserve their right to operate bingo machines.